

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF ILLINOIS
3 CATHERINE ALEXANDER,
4 Plaintiff,
5 vs. Case No. 3:18-cv-0966-MJR-MAB
6 TAKE-TWO INTERACTIVE SOFTWARE,
7 INC., 2K GAMES, INC., 2K SPORTS,
8 INC., WORLD WRESTLING ENTERTAINMENT,
9 INC., VISUAL CONCEPTS ENTERTAINMENT,
10 YUKE'S CO., LTD., and YUKE'S LA, INC.,
11 Defendants.

12 -----/

13
14 ** CONFIDENTIAL **

15 Videotaped deposition of MARK LITTLE

16 Novato, California

17 Wednesday, August, 14, 2019

18 9:21 a.m.

19
20
21 Job No.: 257052

22 Pages: 1 - 180

23 Stenographically reported by:

24 Lorrie L. Marchant, CA CSR No. 10523

25 RMR, CRR, CCRR, CLR

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

68

1 what was the role of Visual Concepts in developing 10:42:18
2 the WWE 2K16 game? 10:42:19

3 A. Sure. So for WWE 2K16, Visual Concepts was 10:42:25
4 essentially running as the creative team for the 10:42:32
5 game. We would also -- we were co-developing the 10:42:34
6 game with YUKE'S, so YUKE'S had been the historic 10:42:37
7 developer. They've been developing the game for 10:42:41
8 over 20 years. So they were the primary developers. 10:42:43
9 So they owned -- have the game engine, they have the 10:42:47
10 largest amount of the developers on the project. 10:42:49

11 But the Visual Concepts team would provide 10:42:52
12 ancillary support, creative direction. And then 10:42:57
13 what we did is we also brought some of the 10:42:59
14 technologies that we use on NBA and some of the 10:43:02
15 advanced technologies we know from building modern 10:43:05
16 games to help promote the WWE game and make it move 10:43:08
17 forward. 10:43:12

18 Q. Okay. But at the time that WWE 2K was 10:43:12
19 developed, YUKE'S had a game engine in place for the 10:43:16
20 WWE games; right? 10:43:18

21 A. Yes. 10:43:20

22 Q. Okay. Did Visual Concepts provide 10:43:20
23 technology that was later incorporated in the YUKE'S 10:43:22
24 game engine? 10:43:24

25 MS. CENDALI: Objection to form. 10:43:26

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

77

1 as he shows in the game they're not involved with. 10:52:32

2 Their involvement would be mostly limited 10:52:35
3 to the publish -- publishing, marketing, promotion 10:52:38
4 of the game, however they might have been involved. 10:52:41
5 That would be the best of my knowledge. 10:52:44

6 Q. Okay. What was the role of 2K Sports 10:52:48
7 Incorporated in the depiction of Mr. Orton in the 10:52:49
8 WWE games? 10:52:52

9 A. As I just stated, they're not involved -- 10:52:56
10 2K Sports is not involved in the development. So 10:52:59
11 how he appears in the game is more on the 10:53:02
12 development side. So that would be more of a Visual 10:53:03
13 Concepts-YUKE'S activity. 10:53:06

14 Q. I understand. 10:53:10

15 A. 2K Sports would be publishing and marketing 10:53:11
16 and anything that we did promotional materials of, 10:53:13
17 which I don't recall when we have used them. 10:53:15

18 Q. Understood. 10:53:18

19 So is it accurate to say that neither 10:53:19
20 2K Games nor 2K Sports had any role in the depiction 10:53:21
21 of Mr. Orton in the video games? 10:53:24

22 A. I mean, I would -- I would say that they 10:53:34
23 didn't have any direct role. 10:53:42

24 Q. Did they have an indirect role? 10:53:43

25 A. I was trying to think if they did have an 10:53:45

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

99

1	So in the motion capture studio, we will --	11:17:17
2	for instance, with Randy Orton's entrance, we will	11:17:20
3	have someone come in and perform the entrance in the	11:17:23
4	exact same way and style as Randy Orton so that we	11:17:26
5	can transfer it into the game.	11:17:28
6	BY MR. FRIEDMAN:	11:17:29
7	Q. I see. Thank you.	11:17:29
8	So -- so with Mr. Orton specifically, you	11:17:32
9	did not use motion capture to get things like his	11:17:34
10	gait or walk; correct?	11:17:37
11	A. We use -- I would not characterize it that	11:17:40
12	way. We use motion capture to capture how he moves.	11:17:42
13	We just don't have Randy Orton himself do it due to	11:17:46
14	accessibility.	11:17:49
15	Q. So there is an actor who is impersonating	11:17:51
16	Randy Orton, and that actor is motion captured by	11:17:54
17	Take-Two and later depicted as if he were	11:17:58
18	Randy Orton; is that accurate?	11:18:01
19	A. Yes, that would be more accurate. And just	11:18:03
20	to clarify, these are actual wrestlers too, so it's	11:18:05
21	not like Hollywood actors. They're wrestlers as	11:18:08
22	well.	11:18:12
23	Q. Sure. Well, and that makes sense because	11:18:12
24	you're going for realism; right?	11:18:14
25	A. "Authenticity" is generally the word I	11:18:16

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

100

1	would use.	11:18:17
2	Q. Authenticity. Okay.	11:18:17
3	All right. So following the topology stage	11:18:19
4	of photogrammetry, what's the next step?	11:18:21
5	A. At a high level, it involves the extraction	11:18:28
6	of the skin detail from the photographs. So that --	11:18:31
7	Q. I'm sorry to cut you off because I am	11:18:37
8	trying to understand this process.	11:18:40
9	A. M-hm.	11:18:44
10	Q. Okay. So let me get this straight. You	11:18:44
11	take all the photographs; right? From that single	11:18:46
12	set of a thousand photographs, approximately, you	11:18:49
13	extract topology data and create a mesh; right?	11:18:52
14	A. M-hm.	11:18:56
15	Q. Okay. Now, from that same set of	11:18:56
16	photographs, you're extracting something else, and I	11:18:58
17	think that's what you're starting to talking about;	11:19:00
18	is that right?	11:19:03
19	A. That is correct.	11:19:03
20	Q. Okay. Now, what is the step after	11:19:04
21	topology, then?	11:19:06
22	A. The -- this next step. In general terms,	11:19:08
23	there's actually quite a few technical steps that	11:19:10
24	I'm not an expert on. The next step is the	11:19:12
25	extraction of the detail on the skin for the	11:19:17

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

149

1	In the photo reference process, you start	12:27:40
2	with a photograph, and then you go through a	12:27:42
3	modeling process; right? Correct?	12:27:44
4	A. Yes. That is generally the steps.	12:27:48
5	Q. In that modeling process, there is artistic	12:27:50
6	input; is that accurate?	12:27:55
7	MS. CENDALI: Objection to form.	12:27:57
8	Mischaracterizes his testimony.	12:27:58
9	THE WITNESS: The goal, just as we've said	12:28:00
10	before, is that we try and re-create these as	12:28:03
11	authentically as possible. So the process of doing	12:28:06
12	the modeling is the goal, and the objective is to	12:28:10
13	re-create it as authentically as we can.	12:28:13
14	So, in fact, it's not a wildly creative	12:28:16
15	process. It's more of a rote function of trying to	12:28:19
16	re-create what you see, to the best of our	12:28:22
17	abilities. And obviously there are limitations on	12:28:26
18	what we can do in games.	12:28:28
19	BY MR. FRIEDMAN:	12:28:29
20	Q. Okay. So -- okay. All right. That's	12:28:30
21	fine.	12:28:32
22	MR. FRIEDMAN: We can go off the record for	12:28:48
23	a moment.	12:28:48
24	THE VIDEOGRAPHER: Please stand by.	12:28:50
25	We are off the record. The time is 12:29.	12:28:51

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

159

1	TV.	01:12:10
2	Q. Understood.	01:12:12
3	Okay. My question, though, is did	01:12:12
4	reproducing Mr. Orton's tattoos as they appear in	01:12:14
5	real life contribute to the authenticity of the WWE	01:12:18
6	video games?	01:12:22
7	A. I don't know that you could separate out	01:12:23
8	tattoos. It's Randy Orton as a person, his entire	01:12:25
9	appearance, his persona, and the person that he is	01:12:29
10	inside of the WWE. That's the important part. And	01:12:33
11	there's obviously many elements to that.	01:12:36
12	Q. Is one of those elements Randy Orton's	01:12:39
13	tattoos?	01:12:41
14	A. I think the way I would say it is it's his	01:12:44
15	physical appearance, whatever that may comprise.	01:12:47
16	Q. Okay. In your mind, does his physical	01:12:50
17	appearance comprise his tattoos?	01:12:52
18	A. Yes, you can see his tattoos.	01:12:54
19	Q. Okay. So then going back a couple of	01:12:55
20	questions, then, would you say that the reproduction	01:12:57
21	of Randy Orton's tattoos as they appear in real life	01:12:59
22	contributed to the realism of the WWE video games?	01:13:02
23	A. I mean, I think -- I think I said this many	01:13:06
24	times. I tend to use the word "authentic."	01:13:09
25	Q. And I said "realism." So I'll reask the	01:13:12

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

160

1 question. And I said earlier I was going to start 01:13:15
2 using "authenticity," and I haven't. Okay. So 01:13:17
3 strike that previous question. 01:13:19

4 Did the -- does the reproduction by 01:13:22
5 Take-Two of Mr. Orton's tattoos, as they appear in 01:13:25
6 real life, contribute to the authenticity of the WWE 01:13:29
7 video games? 01:13:31

8 A. I think that his -- the appearance of 01:13:32
9 Randy Orton as Randy Orton is the important part, to 01:13:36
10 the best of our ability, in all aspects that are 01:13:40
11 Randy Orton. 01:13:42

12 Q. Is one of those aspects his tattoos? 01:13:42

13 A. I mean, Randy Orton has tattoos on his 01:13:51
14 body. 01:13:54

15 Q. Right. And you said that a bunch of 01:13:54
16 aspects contribute to the authenticity of 01:13:56
17 Randy Orton in the WWE games. Okay? So -- and now 01:13:58
18 you're saying that one of those aspects includes his 01:14:02
19 tattoos. 01:14:04

20 Am I following you so far? 01:14:05

21 A. I'm saying that our goal with him being 01:14:06
22 authentic is for him to look exactly like he does on 01:14:08
23 programming. So however he looks on programming, 01:14:10
24 that's what I'm trying to make him look like in the 01:14:13
25 game. 01:14:15

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

164

1	or as authentic as they can, right. And so the	01:17:30
2	technique we use obviously captures everything	01:17:34
3	that's on their skin.	01:17:37
4	Q. Right. And one aspect of Mr. Orton's	01:17:38
5	authenticity in real life is his tattoo of his	01:17:41
6	current wife, Kim; right?	01:17:43
7	A. That is how he appears.	01:17:47
8	Q. Okay. And if I told you that Mr. Orton has	01:17:48
9	done interviews with media and discussed the	01:17:53
10	importance of his Kim tattoo, would you have any	01:17:57
11	reason to think that that didn't occur?	01:18:00
12	MS. CENDALI: Outside the scope.	01:18:04
13	But you may answer.	01:18:04
14	THE WITNESS: I wouldn't believe that you	01:18:06
15	would make that story up to me, but I have no actual	01:18:07
16	information on it.	01:18:09
17	BY MR. FRIEDMAN:	01:18:10
18	Q. So -- so then one aspect -- well, strike	01:18:11
19	that.	01:18:15
20	So now let's look at the other tattoos.	01:18:15
21	Right. And we'll get back to my original question,	01:18:17
22	and I'll just reask it again. Okay.	01:18:19
23	Was the reproduction of Mr. Orton's tattoos	01:18:22
24	as they appear in real life, did that contribute to	01:18:25
25	the authenticity of the WWE video games?	01:18:29

CONFIDENTIAL

Transcript of Mark Little
Conducted on August 14, 2019

165

1 A. I think that the fact that we reproduce
2 them as you see on TV is -- is the important part as
3 he is, to be authentic.

4 Q. Understood. And one aspect of that
5 authenticity is his real life tattoos.

6 Do you agree?

7 MS. CENDALI: Okay. Asked and answered.

8 THE WITNESS: I think the part I'm having
9 trouble separating out in my head is that we take
10 photos of their bodies and their skin, and however
11 they look is what goes on there. I don't think I've
12 ever heard anyone tell me that a specific tattoo
13 will make or break authenticity because it's an
14 overall package.

15 So, you know, there are little details,
16 depending on the superstar or the wrestler from year
17 to year, that might not be 100 percent correct. And
18 the overall goal is that we get the majority of it
19 correct.

20 BY MR. FRIEDMAN:

21 Q. Okay.

22 A. If that makes sense.

23 Q. That does make a lot of sense.

24 But my question wasn't about whether his
25 reproduction of his tattoos would make or break the